

FILED

SEP 27 2021

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

JOSE OSCAR MARQUEZ

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§

No. 4:21-CR- 248
Judge

FACTUAL BASIS IN SUPPORT OF PLEA AGREEMENT

The defendant, **JOSE OSCAR MARQUEZ**, hereby stipulates and agrees that at all times relevant to the Information, the following facts were true:

1. That I, **JOSE OSCAR MARQUEZ**, am pleading guilty to Count One of the Information, Wire Fraud, and am the same person charged in the Information.
2. That the events alleged in the Information occurred in the Eastern District of Texas and elsewhere on or about the dates and places specified in the Information.
 - a. That from on or about October 1, 2016, and continuing up to and including at least October 2, 2018, in the Eastern District of Texas and elsewhere, I devised a scheme and artifice (1) to defraud individuals and businesses, including, but not limited to: M.M., M.C., HBW Group, Inc., and Ash Grove Dairy LLP, and (2) to obtain money owned by or in the custody of M.M., M.C., HBW Group, Inc., Ash Grove Dairy LLP, and other individuals and businesses, by means of false and fraudulent pretenses, representations, and promises.

- b. As part of the scheme to defraud, I falsely represented that I could obtain outside financing for individuals through New Market Tax Credits (NMTC) to fund their business ventures in exchange for United States currency in the form of consulting fees. The NMTC is a federal financial government program aimed to stimulate business and real estate investment in low-income communities and/or for members of targeted populations via a federal tax credit to those providing private capital. Individual and corporate investors receive a tax credit against their federal income tax in exchange for making equity investments in specialized financial intermediaries called Community Development Entities (CDEs). CDEs, in turn, use these investments to make loans to entities in designated low-income communities and/or to members of targeted populations that meet specific requirements.
- c. For some individuals, to include M.M. and HBW Group, Inc., I knew at the time that I solicited and received these consulting fees that I would not obtain or attempt to obtain the outside funding, as agreed, and I failed to file any applications or make any legitimate effort to obtain funding. For some individuals, to include M.C. and Ash Grove Dairy LLP, I knew, but failed to disclose, that the locations of the proposed projects did not meet the low-income community requirements, and that the individuals were not qualified to obtain CDE funding as members of targeted populations as set forth in the NMTC program requirements.

- d. I utilized my residence as my base of operations and business address for several companies I formed that were part of my scheme to defraud. My residence is located in the Eastern District of Texas.
- e. I also used the internet and telephone, both means of interstate commerce, to communicate with individuals, to include M.M. M.C., HBW Group, Inc., and Ash Grove Dairy LLP, to further my scheme to defraud. Through my communications with these individuals, I defrauded these individuals by causing them to wire funds (United States currency) from their bank accounts to various bank accounts I held in the Eastern District of Texas to pay for my consulting services.
- f. Finally, during my scheme to defraud, I fraudulently obtained \$262,500 from individuals and business entities.

DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

I have read or had read to me this statement of facts in support of my plea agreement and the Information and have discussed them with my attorney. I fully understand the contents of this statement of facts and agree without reservation that the United States can prove each of these acts and that it accurately describes my acts and the events as recited as I know them.

Dated:

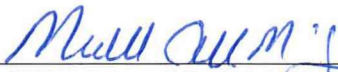
August 10, 2021

JOSE OSCAR MARQUEZ
JOSE OSCAR MARQUEZ
Defendant

DEFENSE COUNSEL'S SIGNATURE AND ACKNOWLEDGMENT

I have read this statement of facts in support of plea agreement and the Information and have reviewed them with my client, **JOSE OSCAR MARQUEZ**. Based upon my discussion with the defendant, I am satisfied that the defendant understands the statement of facts in support of plea agreement as well as the Information, and is knowingly and voluntarily agreeing to these stipulated facts.

Dated: 8/10/2021



MICHELLE ALLEN-MCCOY
Attorney for Defendant